

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **DOCKET NO. 2:09-CR-058**

v. * **SECTION: “C” 3**

JOSE DE JESUS GARCIA GUZMAN *

a/k/a Jose De Jesus Garcia-Guzman *

a/k/a Jose Garcia *

a/k/a Jose DeJesus Garcia *

a/k/a Jose De Jesu Garcia-Guzman *

a/k/a Jose J. Garsia *

a/k/a Jose D. Garcia *

a/k/a Jose Garcia-Guzman *

* * *

FACTUAL BASIS

_____ Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **JOSE DE JESUS GARCIA GUZMAN** (hereinafter “**GUZMAN**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (the “agent”) would testify that on or about

January 26, 2009, she encountered the defendant, **GUZMAN**, in Lafourche Parish, in the Eastern District of Louisiana, after being notified by the Lafourche Parish Sheriff's Office that the defendant had been arrested and was in state custody. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an Immigration and Customs Enforcement agent.

The agent would testify that, upon questioning the defendant under oath after being read his *Miranda* rights, the defendant stated that he was a citizen of Mexico and was illegally in the United States. The agent confirmed the defendant's illegal status through the Immigration and Customs Enforcement database.

Documentation from the records of Immigration and Customs Enforcement, contained in the Defendant's Alien file, including the Warrant of Removal/Deportation, complete with the defendant's fingerprints, photograph and signature, would demonstrate that the defendant, **GUZMAN**, was removed from the United States to Mexico on or about January 4, 2006, at or near El Paso, Texas. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual in the Immigration and Customs Enforcement Alien file with the Warrant of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **GUZMAN**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records, and other admissible evidence would show that on or

about June 8, 2005, in the United States District Court for the Western District of Texas, the defendant, **GUZMAN**, was convicted of illegal reentry into the United States, a felony.

| | |
|---|------|
| ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464 | Date |
|---|------|

| | |
|--|------|
| JOSE DE JESUS GARCIA GUZMAN Defendant | Date |
|--|------|

| | |
|--|------|
| ROMA KENT Assistant Federal Public Defender LA Bar Roll No. 1459 Attorney for the Defendant | Date |
|--|------|